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Attorneys for Plaintiffs and Counter-Defendants,
JESSE J. BYRD, MALIK BRITT,
RASHAD CONLEY and ANDREW EMIL ARMSTRONG

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JESSE J. BYRD, MALIK BRITT, RASHAD
CONLEY and ANDREW EMIL
ARMSTRONG,

Plaintiffs,

vs.

THE CITY AND COUNTY OF SAN
FRANCISCO; SAN FRANCISCO POLICE
DEPARTMENT; ROSELO PASCUA; ALEX
RODATOS; KELVIN SANDERS;
JONATHAN CATLETT; RICHAD SOARES;
WILLIAM ESCOBAR, and DOES 1-20,
inclusive.

Defendants.

) **Case No. C 11-1742 DMR**

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) **PLAINTIFFS' MOTION *IN LIMINE***

) **NO. 2**

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) Pretrial Date: February 27, 2013

) Time: 3:00 p.m.

) Place: Courtroom 4, 3rd Floor

) Judge: Magistrate Donna M. Ryu

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) Trial Date: March 11, 2013

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2 **INTRODUCTION**

3 Plaintiffs bring the following motion *in limine*:

4 2. EXCLUDE THE PLEA OF NO CONTEST BY CAREEM CONLEY.

5 **DISCUSSION**

6 Careem Conley is no longer a party to this lawsuit. The fact that he plead no contest to a
7 charge related to this incident has little probative value to the other plaintiffs' claims and would
8 be extremely prejudicial. FRE 403. It would also tend to confuse the jury and could cause the
9 jury to conclude that the force used on Malik Britt and Careem Conley was reasonable based on
10 the fact that Careem Conley took a deal to avoid the risk and expense of going forward to trial. In
11 addition, if the officers unlawfully came on the deck and back yard, Careem Conley may have
12 been justified in protesting their presence and questioning their demands.

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14 **DATED:** February 7, 2013

SCOTT LAW FIRM

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16 By: /s/ John H. Scott
17 **JOHN HOUSTON SCOTT**
18 Attorney for Plaintiffs and
19 Counter Defendants
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